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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,468	10/01/2002	Martine Anne Cecile Wettendorff	B45197	4675

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EXAMINER

SCHEINER, LAURIE A

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/070,468

**Applicant(s)**WETTENDORFF, MARTINE ANN  
CECILE**Examiner**

Laurie Scheiner

**Art Unit**

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 19-56 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 19-24, 31 drawn to a vaccine composition comprising an HBV and HPV antigens.

Group II, claim(s) 19-26, 31 and 56, drawn to a vaccine composition comprising HBV, HPV and EBV antigens.

Group III, claim(s) 19-24, 27, 29, 31 and 56, drawn to a vaccine composition comprising an HBV, HPV and HAV antigens.

Group IV, claim(s) 19-26, 28, 30, 31 and 56, drawn to a vaccine comprising HBV, HPV, EBV and HAV antigens.

Group V, claim(s) 19-24, 31, 32, 35 and 56, drawn to a vaccine comprising HBV, HPV and VZV antigens.

Group VI, claim(s) 19-26, 31, 33, 36 and 56, drawn to a vaccine comprising HBV, HPV, EBV and VZV antigens.

Group VII, claim(s) 19-24, 27, 29, 31, 34, 37 and 56, drawn to a vaccine comprising HBV, HPV, HAV and VZV antigens.

Group VIII, claim(s) 19-24, 31, 38, 42 and 56, drawn to a vaccine comprising HBV, HPV and HCMV antigens.

Group IX, claim(s) 19-26, 31, 39, 43 and 56, drawn to a vaccine comprising HBV, HPV, EBV and HCMV antigens.

Group X, claim(s) 19-24, 27, 29, 31, 40, 44 and 56, drawn to a vaccine comprising HBV, HPV, HAV and HCMV antigens.

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Group XI, claim(s) 19-24, 31, 32, 35, 41, 45 and 56, drawn to a vaccine comprising HBV, HPV, VZV and HCMV antigens.

Group XII, claim(s) 19-24, 31, 46, 51 and 56, drawn to a vaccine comprising HBV, HPV and *Toxoplasma gondii* antigens.

Group XIII, claim(s) 19-26, 31, 47, 52 and 56, drawn to a vaccine comprising HBV, HPV, EBV and *Toxoplasma gondii* antigens.

Group XIV, claim(s) 19-24, 27, 29, 31, 48, 53 and 56, drawn to a vaccine comprising HBV, HPV, HAV and *Toxoplasma gondii* antigens.

Group XV, claim(s) 19-24, 31, 32, 35, 49, 54 and 56, drawn to a vaccine comprising HBV, HPV, VZV and *Toxoplasma gondii* antigens.

Group XVI, claim(s) 19-24, 31, 38, 42, 50, 55 and 56, drawn to a vaccine comprising HBV, HPV, HCMV and *Toxoplasma gondii* antigens.

The inventions listed as Groups I-XVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of group I is drawn to a vaccine composition comprising an HBV antigen and an HPV antigen. Groups II-XVI are drawn to different vaccine products, which comprise additional antigens that are not shared by the special technical feature defining group I. Due to the different ingredients present in each composition, each vaccine is administered to different treatment populations.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

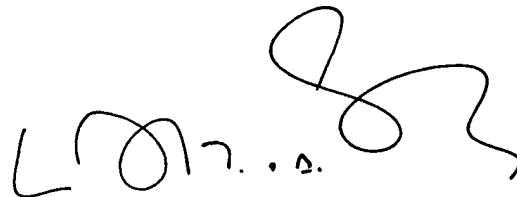
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Scheiner whose telephone number is (703) 308-1122. The examiner can normally be reached on M-F 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (703) 308-4027. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Laurie Scheiner

A handwritten signature in black ink, appearing to read 'Laurie Scheiner', with a stylized flourish at the end.

**LAURIE SCHEINER**  
**PRIMARY EXAMINER**